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SENATE BILL

No. 1630

**Introduced by Senator Speier
(Coauthor: Senator Alpert)**

(Coauthors: Assembly Members Shirley Horton, Koretz, Levine,
Mullin, and Reyes)

February 20, 2004

An act to amend Section 35179.1 of, and to add Article 6.5 (commencing with Section 49030) to Chapter 6 of Part 27 of, the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 1630, as amended, Speier. Steroids and performance-enhancing dietary supplements.

Existing law sets forth the rights and responsibilities of pupils in public schools. Existing law further requires certain school employees to comply with various educational requirements.

This bill would require the State Department of Health Services, in consultation with the California Interscholastic Federation, to develop a list of performance-enhancing dietary supplements, as defined, on or before January 1, 2006, with certain requirements. The bill would require the California Interscholastic Federation to amend its constitution and bylaws to require that school districts prohibit a pupil from participating in high school sports on and after July 1, 2006, unless that pupil agrees not to use any of the prohibited substances identified by the department and the parent or guardian of that pupil signs a notification form regarding those restrictions, and to require a school district to administer ~~reasonable-suspicion-based~~ testing *based on a reasonable suspicion, as defined*, for steroids and prohibited substances identified by the department, upon a determination by the Director of Finance that sufficient funds are available to support this activity. The bill would restrict access to test results to specified individuals. The bill would provide that a school district seek to ensure that a pupil that tests positive for steroids and prohibited substances identified by the department is referred to a school counselor, a substance abuse professional, or other appropriate school staff, to develop a course of treatment to address the prohibited use.

The bill would create the Interscholastic Athletics Anti-Doping Fund, and would authorize the State Department of Education and a school district to receive voluntary contributions to be used for the purposes of conducting tests for performance-enhancing dietary supplements upon an appropriation of those funds by the Legislature. The bill would permit a school district to administer the testing described above, and would provide grants to a school district for that purpose, upon an appropriation by the Legislature.

The bill would, commencing July 1, 2006, prohibit schools from accepting sponsorships from manufacturers of those supplements and would prohibit certain school employees from selling, distributing, or promoting those supplements.

The bill would require each high school sports coach, as defined, to complete a coaching education program developed by his or her school district or by the California Interscholastic Federation that meets specified training requirements. The bill would make that requirement operative on December 31, 2007.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.



The people of the State of California do enact as follows:

SECTION 1. Section 35179.1 of the Education Code is amended to read:

35179.1. (a) This section shall be known and may be cited as the 1998 California High School Coaching Education and Training Program.

(b) The Legislature finds and declares all of the following:

(1) The exploding demand in girls athletics, and an increase in the number of pupils participating in both boys and girls athletics, are causing an increase in the number of coaches needed statewide.

(2) Well-trained coaches are vital to the success of the experience of a pupil in sports and interscholastic athletic activities.

(3) Improvement in coaching is a primary need identified by hundreds of principals, superintendents, and school board members who participated in the development of a strategic plan for the California Interscholastic Federation (CIF) in 1993 and 1994.

(4) There are many concerns about safety, training, organization, philosophy, communications, and general management in coaching that need to be addressed.

(5) It is a conservative estimate that at least 25,000 coaches annually need training and an orientation just to meet current coaching regulations contained in Title 5 of the California Code of Regulations, including basic safety and CPR requirements.

(6) School districts, in conjunction with the California Interscholastic Federation, have taken the initial first steps toward building a statewide coaching education program by assembling a faculty of statewide trainers composed of school district administrators, coaches, and athletic directors using a national program being used in several states.

(c) It is, therefore, the intent of the Legislature to establish a California High School Coaching Education and Training Program. It is the intent of the Legislature that the program be administered by local school districts and emphasize the following components:

(1) Development of coaching philosophies consistent with school, school district, and school board goals.

(2) Sport psychology: emphasizing communication, reinforcement of the efforts of young people, effective delivery of coaching regarding technique, and motivation of the pupil athlete.

(3) Sport pedagogy: how young athletes learn, and how to teach sport skills.

(4) Sport physiology: principles of training, fitness for sport, development of a training program, nutrition for athletes, and the harmful effects associated with the use of steroids and performance-enhancing dietary supplements by adolescents.

(5) Sport management: team management, risk management, and working within the context of an entire school program.

(6) Training: certification in CPR and first aid.

(7) Knowledge of, and adherence to, statewide rules and regulations, as well as school regulations including, but not necessarily limited to, eligibility, gender equity and discrimination.

(8) Sound planning and goal setting.

(d) This section does not endorse a particular coaching education or training program.

SEC. 2. Article 6.5 (commencing with Section 49030) is added to Chapter 6 of Part 27 of the Education Code, to read:

Article 6.5. ~~Steroid~~ Steroids and Performance-Enhancing
Dietary Supplements

49030. (a) (1) For ~~the~~ purposes of this article, “performance-enhancing dietary supplement” means a dietary supplement ~~that is designed or formulated to enhance physical performance or development above levels that would be anticipated under normal conditions with appropriate nourishment.~~ *supplement designed or marketed to improve athletic performance or physical development by promoting body or muscle growth, stimulating or altering the cardiovascular system or the central nervous system, altering the perception of pain, or otherwise enhancing athletic performance or physical development above levels that would be anticipated under normal conditions with appropriate nourishment.*

(2) For purposes of this article, “performance-enhancing dietary supplement” does not include a dietary supplement in which the only ingredients consist of one or more of the following:

1 (A) *Vitamins or minerals.*

2 (B) *Authorized food additives, color additives, ingredients*
3 *authorized by prior sanction, or those classified as generally*
4 *recognized as safe for use in foods as defined in the federal Food,*
5 *Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.), and*
6 *accompanying federal regulations, except for caffeine in excess of*
7 *200 milligrams per serving, if these ingredients are used in a*
8 *dietary supplement at the levels, and for the purposes, for which*
9 *they may be used in foods.*

10 (b) (1) *For purposes of this article, “reasonable suspicion”*
11 *means objective information deemed to be reliable by a school*
12 *sports coach, athletic director, or other school official, together*
13 *with rational inferences from that information, that warrants an*
14 *objective suspicion that a pupil is using or has used steroids or*
15 *performance-enhancing dietary supplements identified pursuant*
16 *to Section 49032. That objective information shall include at least*
17 *one of the following:*

18 (A) *An observed possession or usage by a pupil athlete of*
19 *substances that appear to be steroids or performance-enhancing*
20 *dietary supplements identified pursuant to Section 49032.*

21 (B) *An observed change in the appearance, behavior, or*
22 *athletic performance of a pupil athlete that may reasonably be*
23 *attributed to the use of steroids or performance-enhancing dietary*
24 *supplements identified pursuant to Section 49032.*

25 (2) *For purposes of this article, a “reasonable suspicion” shall*
26 *not be based upon any of the following factors:*

27 (A) *Race.*

28 (B) *National origin.*

29 (C) *Gender.*

30 (D) *Socioeconomic status.*

31 (E) *Sexual orientation.*

32 (F) *Suspicion or evidence of the use of steroids or*
33 *performance-enhancing dietary supplements identified pursuant*
34 *to Section 49032 among the pupil’s family members.*

35 (G) *Disability or a medical condition.*

36 (H) *Religion.*

37 49031. (a) *A teacher, athletic director, sports coach, or other*
38 *school official or employee may not sell, distribute, or promote a*
39 *performance-enhancing dietary supplement.*

1 (b) A school may not accept a sponsorship from a
2 performance-enhancing dietary supplement manufacturer.

3 (c) This section shall become operative on July 1, 2006.

4 49032. (a) The State Department of Health Services, in
5 consultation with the California Interscholastic Federation, shall
6 develop a list of performance-enhancing dietary supplements for
7 the purposes of this article. The list shall be developed on or before
8 January 1, 2006, and may be amended by the State Department of
9 Health Services at any time. The State Department of Health
10 Services shall submit this list to the State Department of Education
11 on or before January 1, 2006. Upon receipt of this list, the State
12 Department of Education shall notify each school district that
13 contains grades 9 to 12, inclusive, that this list has been completed
14 and shall post the list on its Web site. *Any amendments to this list*
15 *shall be submitted to the State Department of Education no later*
16 *than December 31 of the year in which the amendments are made.*
17 *Upon receipt of amendments to this list, the State Department of*
18 *Education shall annually notify each school district that contains*
19 *grades 9 to 12, inclusive, that this list has been amended and shall*
20 *post the amended list on its Web site.*

21 (b) In developing this list, the State Department of Health
22 Services shall refer to existing lists of performance-enhancing
23 dietary supplements used by collegiate, professional, or Olympic
24 sports organizations and shall develop the list so that it is
25 appropriate to interscholastic sports.

26 49033. (a) Effective December 31, 2007, each high school
27 sports coach shall have completed a coaching education program
28 developed by his or her school district or the California
29 Interscholastic Federation that meets the guidelines set forth in
30 Section 35179.1.

31 (b) Upon completion of the program, a high school sports
32 coach shall be deemed to have completed the education
33 requirement for the remainder of his or her time coaching at the
34 high school level in any school district in the state.

35 (c) Each high school sports coach shall be responsible for the
36 costs of taking the course.

37 (d) The training requirements of this section shall count toward
38 the continuing education required for the renewal of the teaching
39 credential of a coach who is also a certificated employee.

(e) Notwithstanding subdivision (a), if the existing coach is unavailable to lead his or her team, a substitute coach who does not meet the requirements of subdivision (a) may be used for no longer than one season of interscholastic competition.

(f) For the purposes of this section, “high school sports coach” means an employee or a volunteer who is authorized by a high school to be responsible for leading a school sports team of pupil athletes.

49034. (a) The State Department of Health Services, in consultation with the California Interscholastic Federation, shall develop a methodology for testing procedures that would most effectively screen high school pupils for the presence of steroids and, to the extent possible, dietary supplements identified pursuant to Section 49032.

(b) To the extent possible, the State Department of Health Services shall adopt an existing methodology currently used by a school district or collegiate sports organization. The State Department of Health Services may contract with a private consultant pursuant to Section 19130 of the Government Code.

(c) The State Department of Health Services shall develop this methodology on or before January 1, 2006, and shall submit the final testing methodology to the State Department of Education. Upon receipt of this methodology, the State Department of Education shall notify each school district that contains grades 9 to 12, inclusive, that this methodology has been completed and shall post the methodology on its Web site.

49035. The California Interscholastic Federation shall amend its constitution and bylaws to require, as a condition of participation in interscholastic sports, that school districts comply with the following requirements:

(a) Effective July 1, 2006, *upon the notification of school districts pursuant to subdivision (a) of Section 49032*, a pupil may not participate in interscholastic high school sports, unless that pupil agrees not to use any of the supplements identified by the ~~department~~ *State Department of Health Services* pursuant to Section 49032 and the parent and guardian of that pupil signs a notification form regarding those restrictions.

(b) (1) A school district shall, upon the reasonable suspicion that a pupil athlete is using steroids or performance-enhancing dietary supplements identified by the department pursuant to

1 Section 49032, require the pupil athlete to submit to a test pursuant
2 to the guidelines established pursuant to subdivision (a) of Section
3 49034.

4 (2) Test results shall be treated as confidential medical records
5 and shall be accessible only to the following individuals:

6 (A) The pupil athlete subject to testing.

7 (B) The parent or guardian of the pupil athlete.

8 (C) The principal or his or her designee who is directly
9 responsible for school discipline and safety.

10 (D) Certified or licensed health care professionals employed by
11 or working with a school district, including physicians, registered
12 nurses, advanced nurse practitioners, counselors, and substance
13 abuse professionals, for whom the information is necessary to
14 facilitate an individualized course of treatment for the pupil athlete
15 that addresses the use of steroids or performance-enhancing
16 dietary supplements and supports scholastic success.

17 (E) Appropriate law enforcement authorities pursuant to
18 Section 48902, individuals identified pursuant to Section 49075 or
19 described in paragraph (1) of subdivision (b) of Section 49076, or
20 other individuals pursuant to Section 49077.

21 (F) A county superintendent of schools and district
22 superintendent of schools.

23 (G) A coach of the pupil athlete.

24 (3) A school district should seek to ensure that any pupil athlete
25 who tests positive is referred to a school counselor, a substance
26 abuse professional, or other appropriate school staff. The purpose
27 of the referral should be the development of an individualized
28 course of treatment that addresses the use of steroids or
29 performance-enhancing dietary supplements and supports
30 scholastic success.

31 (4) This article does not limit the ability of a school or school
32 district to discipline a pupil under Article 1 (commencing with
33 Section 48900).

34 49036. The department and a school district may accept
35 voluntary contributions to pay the costs for compliance with
36 subdivision (b) of Section 49035. Contributions received by the
37 department shall be deposited in the Interscholastic Athletics
38 Anti-Doping Fund, which is hereby created in the State Treasury.
39 If a school district elects to accept a contribution pursuant to this
40 section, the school district shall remit that contribution to the

1 department to be deposited in the Interscholastic Athletics
2 Anti-Doping Fund. Funds deposited in the Interscholastic
3 Athletics Anti-Doping Fund are available upon appropriation by
4 the Legislature and may only be expended for purposes of
5 subdivision (b) of Section 49035.

6 49037. Subdivision (b) of Section 49035 shall take effect only
7 upon the determination by the Director of the Department of
8 Finance that sufficient funds have been collected in the
9 Interscholastic Athletics Anti-Doping Fund, or that the
10 Legislature has appropriated sufficient funds, to support the
11 activities described in that subdivision. The determination by the
12 director shall be communicated in writing to the department.

13 49038. Notwithstanding Sections 49036 and 49037, a school
14 district may administer reasonable suspicion-based tests to pupil
15 athletes involved in sports, pursuant to the guidelines established
16 pursuant to subdivision (a) of Section 49034. The department shall
17 provide grants to school districts for this purpose from the
18 Interscholastic Athletics Anti-Doping Fund, on a first come, first
19 serve basis, upon an appropriation by the Legislature. The
20 department shall advise school districts of the availability of these
21 grants.

